

**AFFIDAVIT OF SPECIAL AGENT CRAIG R. HARVEY IN SUPPORT OF AN
APPLICATION FOR CRIMINAL COMPLAINT**

I, Special Agent Craig R. Harvey, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since July 2018. I am currently assigned to the Boston Field Office, North Shore Gang Task Force (“FBI Task Force”). The primary mission of the FBI Task Force is to identify, investigate, disrupt, and dismantle violent criminal organizations operating in cities north of Boston. My responsibilities include the investigation of possible violations of federal law, including illegal possession/transfer of firearms, firearms trafficking, narcotics trafficking, and violent crimes involving firearms and narcotics trafficking. I have received training and experience in various aspects of criminal law and procedure, including electronic and physical surveillance, interrogations, stops, searches, seizures, and arrests for a variety of criminal offenses. Through my training, knowledge, and experience, I have become familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the use and trafficking of illegal firearms and narcotics, including persons involved in criminal organizations. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants.
2. This affidavit supports an application for criminal complaint charging PHILLIPS CHARLES with: Count One, Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a), (b)(1)(B)(iii); and Count Two, Conspiracy to Possess Firearms in Furtherance of, and Use and Carry Firearms During and in Relation to, a Drug Trafficking Conspiracy, in violation of 18 U.S.C. § 924(o).
3. The information contained in this affidavit is based on my personal observations and

review of records and reports, my training and experience, and information obtained from other FBI and ATF agents, Massachusetts State Police (“MSP”) Troopers, local police officers and witnesses. The dates and times in this affidavit are approximate. This affidavit is submitted for the limited purpose of establishing probable cause for the issuance of the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

I. BACKGROUND OF PHILLIPS CHARLES

4. I am familiar with PHILLIPS CHARLES who has a date of birth of XX/XX/1999. CHARLES goes by the street-name “Phon C”. CHARLES has no adult criminal convictions but has admitted to sufficient facts relative to a Malden District Court charging him with Possession of a Class B Substance; CHARLES was placed on probation for this offense in November 2019, and the probation terminated in November 2020. A photograph of CHARLES from the Massachusetts Registry of Motor Vehicles follows:



5. CHARLES is also featured in a number of rap videos on YouTube posted online over the past two years. In one music video entitled “Active”, posted publicly on YouTube in August, 2020, CHARLES is depicted an apartment location where multiple individuals, including an individual who I will refer to as COCONSPIRATOR 1 (“CC-1”), are present brandishing firearms,

including at least one firearm with a “selector switch” attachment that converts the firearm into a machine gun by permitting to fire in a fully-automatic mode.¹ In this music video, CHARLES can be observed holding a firearm and pointing it at the camera, and displaying a large amount of cash. Of note, I believe this music video was filmed while CHARLES was on pretrial release for the October 2019 drug case, and serving a probation sentence for a drug offense. A still image from this music video follows with a red box superimposed to identify CHARLES:



¹ The video features a disclaimer that suggests the firearms depicted are not real. Based on my review of the video, which shows actual rounds of ammunition in magazines, a selector switch attachment to one of the firearms, and the caliber of the weapon, and my training and experience in this and other investigations, I believe that this disclaimer is simply false and that real guns are being held and brandished. I also base this opinion upon my experience and knowledge in this investigation where numerous individuals featured in music videos with such disclaimers were in fact arrested possessing firearms. For example, in this music video described above, CC-1 can also be observed holding a firearm with a selector switch attachment that permits the firearm to function as a machine gun. I am familiar with such devices through this investigation and know that CC-1 was arrested in January 2021, in possession of a different firearm with a selector switch that was determined to in fact be a machine gun.

II. SEIZURE OF CONTROLLED SUBSTANCES FROM CHARLES

A. MARCH 25, 2019

6. On March 25, 2019, Malden Police stopped a vehicle that CHARLES was operating on a public way due to a shattered driver's side window. CC-1 was in the passenger seat. CHARLES informed the officers that he did not have a driver's license or learner's permit. CHARLES was placed under arrest for operating a motor vehicle without a license. During booking, two pills were found in his pants pocket. The officer recognized them as 30mg oxycodone pills. CHARLES later admitted to sufficient facts for this case, and was placed on probation, which terminated in November 2020.

B. OCTOBER 1, 2019

7. On October 1, 2019, Malden Police were dispatched to a specific location due to various cars being in the lot. As the officers arrived two vehicles left the area, and young adults were in the vicinity of the vehicles. As officers approached, one officer observed CC-1 enter the driver's seat of a red Nissan Rogue that I know to be registered to the ex-girlfriend of CC-1. CC-1 was well-known to the Malden Police, and officers confirmed that his license was suspended. When it started driving on a public way, Malden Police pulled the red Nissan Rogue over. In the passenger seat was PHILLIPS CHARLES who was identified and determined to have an active warrant for his arrest. CHARLES was placed under arrest, CC-1 was released with a warning, and the owner of the Nissan Rogue came to retrieve the vehicle.

C. OCTOBER 20, 2019

8. On October 20, 2019, an Officer of the Malden Police Department observed CC-1 operating a red Nissan Rogue registered to a female I know to be a former girlfriend of CC-1, MM. The Officer was familiar with CC-1's criminal history. CC-1's criminal history included drug and

firearms charges, and a recent assault dangerous weapon and drug case in May 2019 that was pending in Malden District Court. Malden Police had also recently received information that CC-1 was in possession of an Uzi firearm, and the Officer knew that CC-1 and CHARLES were depicted in various music videos in which firearms and narcotics are depicted. The Officer in fact had recovered the controlled substances from CHARLES in March 2019.

9. The Officer observed the Nissan to be travelling well over the 30 mph speed limit, and then take a right turn at high speed without using a directional signal. The officer stopped the Nissan Rogue and approached the driver's side. CC-1's head was "popping up and down" in a movement consistent with concealing something. Once he moved closer, the Officer observed CHARLES in the passenger seat of the vehicle.

10. During the interaction, CC-1 and CHARLES were asked to exit the vehicle. Both CC-1 and CHARLES were pat-frisked and the Officer felt two large and hard bulges in CHARLES' waistband area. CHARLES would not identify what these items were, and the Officer removed them from CHARLES' pants. Upon inspection, the Officer knew them to be packages of cocaine or cocaine base. The officer also located three 30mg oxycodone pills similar to the ones recovered from CHARLES in March 2019. CHARLES was arrested and charged with trafficking over 200 grams of a class B substance, and CC-1 was released.

11. The suspected crack cocaine was tested at the MSP Crime Lab. One of the chunks was determined to be cocaine and to weigh approximately 86 grams. The other chunk was determined to be a cocaine base mixture and to weigh approximately 171 grams. I know from my training and experience that this amount of drugs is consistent with bulk-trafficking and distribution.

12. CHARLES was indicted for this incident in Middlesex Superior Court on March 6, 2020. After indictment, the Defendant filed a motion to reduce bail, and it was set at \$10,000 cash. It is

my understanding that a large cash bail was raised and posted for CHARLES after his arrest. I have reviewed jail calls made by CHARLES while incarcerated and I know that he continued to be in communication with coconspirators during his pretrial detention.

D. DECEMBER 3, 2020

13. On December 3, 2020, a Trooper with the MSP observed a vehicle travelling well above the speed limit on I-93 north and weaving in and out of lanes. The Trooper conducted a stop of that motor vehicle and observed it to keep rolling in the breakdown while the operator moved around and reached around in the vehicle. The Trooper approached the vehicle and the operator of the vehicle was identified to be CHARLES and he was later determined to have no license.² The Trooper ordered all three occupants out of the vehicle due to the potential for weapons.

14. When the occupants had exited the vehicle, the Trooper looked under the passenger seat where CHARLES had been reaching and observed a firearm and magazine. This weapon was later determined to be a 9mm Smith and Wesson firearm bearing serial number JDW8866. The front seat passenger stated that he did not know there was firearm in the vehicle. CHARLES and the front seat passenger were placed under arrest for the firearm. A female passenger in the rear seat was not charged.

15. During an inventory search of the vehicle, troopers located a bag of marijuana in the middle console, and a prescription pill bottle labelled for a party not in the vehicle. In the bottle, troopers located 3 different kinds of pills, including 19 pills that appeared to be Xanax

16. After arrest, both CHARLES and the front seat passenger were placed in the same cell overnight. In the early morning the front seat passenger stated he would like to make a statement

² At the time of this stop CHARLES was on pretrial release from the Middlesex Superior Court case related to the October 20, 2019 seizure of controlled substances.

and was advised of his Miranda rights. In the statement, the front seat passenger took full ownership of the gun.

III. SEARCH OF A PHONE RECOVERED DURING THIS INVESTIGATION

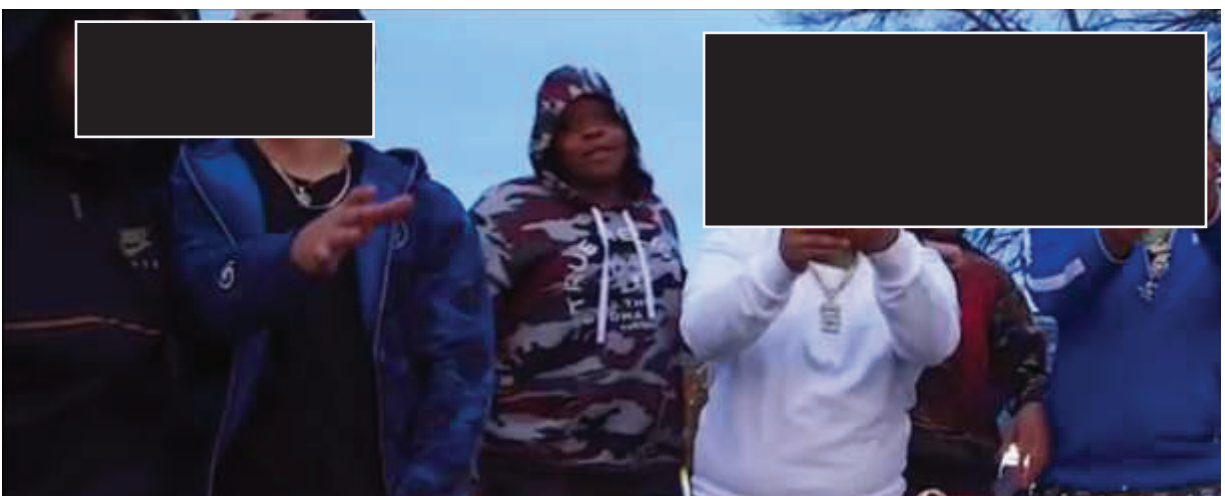
17. During the course of this investigation, investigators came into possession of extensive digital evidence of CHARLES' participation in the drug distribution conspiracy, and a conspiracy to possess firearms in furtherance, and use and carry firearms during and in relation to that drug conspiracy. This digital evidence was obtained from the search of a phone of a coconspirator.

A. Videos of CHARLES

18. Investigators came into possession of a video file named IMG_0185.mp4, which, according to the metadata was created on October 8, 2019. In the video, CC-1 can be seen drinking and holding a bottle of Belaire champagne, and multiple individuals can be observed holding firearms, including CHARLES. During the video, the camera pans to CHARLES who leans back and points a firearm at the camera. In this video, CHARLES can be seen wearing a red, white, and grey camouflage-style hooded sweatshirt. A still image from the video depicting CHARLES holding a firearm and pointing it at the camera follows:



19. I am familiar with a music video posted publicly online on YouTube on June 1, 2019, in which CHARLES can be observed wearing this same hooded sweatshirt. A still image from that music video depicting CHARLES in the red, white, and grey camouflage-style hooded sweatshirt follows:



20. Investigators came into possession of a video file named IMG_01719.mp4, which, according to the metadata was created on May 19, 2020, while CHARLES was on pretrial release

for the Middlesex Superior Court case and on probation in Malden District Court. In the video, CC-1 and CHARLES can be seen holding tens of thousands of dollars in cash as they are driving around in a vehicle listening to rap music.³ CC-1 is in the front seat, while CHARLES is seated in the rear of the vehicle.

21. During the video, CC-1 and CHARLES display the cash for the camera and generally celebrate and show how much money is in their possession. Based upon my investigation, it is clear that CC-1 and CHARLES are driving around selling controlled substances and this video depicts the profits of their drug conspiracy. Later in the video, a firearm with an extended magazine can be seen underneath the leg of CC-1. Still images from this video follow:



³ The lyrics of song playing in the background are “she want a youngn***a, she want a drug dealer, she want a scammer.”



B. Communications with CHARLES

22. Through forensic extraction of a cellular telephone authorized by search warrant, investigators came into possession of a text message conversation between CC-1 and CHARLES, who was identified in the text message conversation by his nickname “Phon C”. In various jail calls made while CHARLES was incarcerated, he identifies himself as “Phon” or “Phonz”. These text message communications also have gaps consistent with the period in which CHARLES was incarcerated. Below, I will provide some examples of the conversations between CHARLES and

CC-1, explaining the slang used and meaning of the exchange, and the text message content follows my explanation.

23. For example, investigators located a conversation on September 1, 2019, where CC-1 asks CHARLES “How much you get the 30s for”, which I believe to be a reference to 30 mg oxycodone pills. CHARLES responds, “15”, which I believe to mean \$15 per pill, and says that he was being charged a high price (“taxed”) by another coconspirator, who I will refer to as CC-3. CHARLES then states that when he buys them from a different coconspirator, the price is “6” dollars per pill. CC-1 responds that the price is high (“Geeeesg”).

Date / Time	Author	Content
9/1/2019 3:06:10 PM	CC-1	How much you get the 30s for
9/1/2019 3:06:46 PM	CHARLES	15
9/1/2019 3:07:10 PM	CC-1	Say word
9/1/2019 3:09:39 PM	CHARLES	Yea I was gettin taxed by [CC-2]
9/1/2019 3:09:58 PM	CHARLES	But when I buy them off [CC-3] I get them for 6
9/1/2019 3:18:09 PM	CC-1	Geeeesg

24. Another example takes place on September 4, 2019, where CC-1 tells CHARLES he “was gonna grab some kle Klee”, which I know from other recordings of CC-1 to be slang for controlled substances. CHARLES asks “How much” and tells CC-1 he was about to “head back there”, which I believe to be the source of supply. CC-1 replies, “Zip”, which I know to mean an ounce, and CHARLES affirms the order saying “Bet”.

Date / Time	Author	Content
9/4/2019 1:02:25 PM	CC-1	I was gonna grab some kle Klee
9/4/2019 1:13:44 PM	CHARLES	How much
9/4/2019 1:13:53 PM	CHARLES	I'm bouta head bacc there
9/4/2019 1:13:58 PM	CC-1	Zip
9/4/2019 1:14:06 PM	CHARLES	Bet

25. Another example also takes place on September 4, 2019, where CC-1 asks CHARLES if he is at his house (“crib”), and asks if he can “send a jug for you to buss” on his behalf and that CC-1 will “give it bacc”. I believe in this conversation, CC-1 is asking CHARLES to make the sale of some controlled substances (“jug”) that CHARLES has in his possession, to an individual

that CC-1 has arranged to sell to. CC-1 informs CHARLES that he will give CHARLES the same amount of controlled substances afterwards (“give it bacc”). CHARLES asks what kind of drugs (“Of what”), and CC-1 informs him using slang (“Klleek kle”), and informs him of the price, which is 1.5 grams (“1.5”) (or half of an eight-ball, which is a common transactional amount) for \$80 (“80”). Based upon the stated price, I believe the controlled substances being transacted are either cocaine base or fentanyl. CC-1 then asks CHARLES for the address so that he can have the customer meet him there (“Send me the st addy”).

Date / Time	Author	Content
9/4/2019 10:35:18 PM	CC-1	You at the crib
9/4/2019 11:06:36 PM	CHARLES	Yea
9/4/2019 11:06:54 PM	CC-1	Can I send a jug for you to buss for me
9/4/2019 11:06:59 PM	CC-1	And I'll give it bacc
9/4/2019 11:07:13 PM	CHARLES	Of what
9/4/2019 11:07:23 PM	CC-1	Klleek kle
9/4/2019 11:07:29 PM	CHARLES	Hm
9/4/2019 11:07:39 PM	CC-1	1.5 for 80
9/4/2019 11:07:49 PM	CC-1	Send me the st addy

26. On September 5, 2019, CC-1 asks CHARLES “Is there only hard there”, “No soft”, meaning is there only cocaine base available, and no cocaine powder available. CHARLES responds, “No soft”, meaning that cocaine powder is not available.

Date / Time	Author	Content
9/5/2019 9:53:35 AM	CC-1	You up
9/5/2019 10:09:23 AM	CHARLES	Yea
9/5/2019 10:09:39 AM	CC-1	Is there only hard there
9/5/2019 10:09:41 AM	CC-1	No soft
9/5/2019 10:19:35 AM	CHARLES	No soft

27. On September 21, 2019, CHARLES tells CC-1 that he has a sale for CC-1 to make on his behalf (“I got a jug” “For yu”). CC-1 asks “Where” and “For how much”. CHARLES responds that the sale will take place in “Medford” and that the amount is “40” grams and that he will provide the drugs (“I’ll buss it”). CC-1 responds that he is on his way, and asks if CHARLES is

going to provide the drugs that are to be sold (“gonna give me the 40 now”). CHARLES responds to meet him at his house (“Link me at my crib”).

Date / Time	Author	Content
9/21/2019 1:33:04 AM	CHARLES	I got a jug
9/21/2019 1:33:05 AM	CC-1	Lmao
9/21/2019 1:33:05 AM	CHARLES	For yu
9/21/2019 1:33:08 AM	CC-1	Where
9/21/2019 1:33:28 AM	CHARLES	Medford
9/21/2019 1:33:35 AM	CC-1	For how much
9/21/2019 1:33:42 AM	CHARLES	40 I'll buss it
9/21/2019 1:33:55 AM	CC-1	Ok we coming bacc
9/21/2019 1:34:02 AM	CC-1	You gonna give me the 40 now
9/21/2019 1:34:05 AM	CHARLES	Link me at my crib

28. In addition to discussions of distributing controlled substances, CHARLES and CC-1 discussed firearms and the commission of violence. For example, on September 30, 2019, CC-1 tells CHARLES “We could be twirling patria out that v”, which I believe to mean that they could be committing drive-by shootings (“twirling”) on the rival Patria gang (“patria”) in a vehicle they have been discussing (“that v”). CHARLES responds that CC-1 does not want to commit violence with CHARLES (“yu ain’t tryna slide with me”). CC-1 rebuffs that understanding (“who said that”), and states that he needs to acquire more firearms (“I just need to get my poles bacc up”) before doing so. CHARLES agrees (“I feel you”), and CC-1 then returns the conversation to the potential sale of narcotics, indicating that he needs to sell drugs and make money (“Lmk tho on that trap I’m feenin”). CHARLES responds in the affirmative (“I gotchu Cuhz”).

Date / Time	Author	Content
9/30/2019 10:44:30 PM	CC-1	We could be twirling patria out that v
9/30/2019 10:44:51 PM	CHARLES	But yu ain’t tryna slide wit me
9/30/2019 10:45:00 PM	CC-1	Who said that
9/30/2019 10:45:19 PM	CC-1	I just need to get my poles bacc up
9/30/2019 10:45:46 PM	CHARLES	I feel you
9/30/2019 10:46:04 PM	CC-1	Lmk tho on that trap I’m feenin
9/30/2019 10:46:18 PM	CHARLES	I gotchu Cuhz

29. On October 5, 2019, CHARLES texted CC-1 stating “I’m tryna grab my blicc from yah shorties whip cuz”. I believe in this statement CHARLES is telling CC-1 that he would like to

retrieve a firearm (“tryna grab my blicc”) that is currently in CC-1’s girlfriend’s car (“yah shorties whip”). CC-1 responds in the affirmative. Of note, the timing of this text message coincides with the arrest of CHARLES in the vehicle owned by CC-1’s girlfriend’s on October 1, 2019 (described above), suggesting that CHARLES left the firearm in the vehicle after he was arrested by Malden Police.

Date / Time	Author	Content
10/5/2019 8:42:59 AM	CHARLES	Yo
10/5/2019 9:51:40 AM	CC-1	Yoo gang
10/5/2019 9:54:04 AM	CHARLES	Wtw cuhz
10/5/2019 10:35:28 AM	CHARLES	I’m tryna grab my blicc from yah shorties whip cuz
10/5/2019 11:00:22 AM	CC-1	I’m hip cuzzy

30. On October 6, 2019, CC-1 texted CHARLES that he is on his way to a casino. CC-1 then informs CHARLES that the firearm (“Situation”) is in the vehicle in a hidden compartment (“in the stash”), and that the vehicle is at his girlfriend’s residence. CC-1 informs CHARLES that he can go there and retrieve it.

Date / Time	Author	Content
10/6/2019 3:10:25 PM	CC-1	Boston
10/6/2019 3:10:38 PM	CC-1	On my way! To the casino
10/6/2019 3:10:48 PM	CC-1	Situation is in the stash
10/6/2019 3:10:51 PM	CC-1	At [MM’s]
10/6/2019 3:10:58 PM	CC-1	You can go there

31. On October 12, 2019, CHARLES asks CC-1 where he is (“wya” or where you at) and CC-1 replies that he is in Boston (“Bean”). CHARLES states that he is “tryna grab the situation”, meaning he is trying to retrieve his firearm (“situation”). CC-1 replies “I got you.”

Date / Time	Author	Content
10/12/2019 11:04:38 AM	CHARLES	Wya
10/12/2019 11:05:19 AM	CC-1	Bean
10/12/2019 11:24:01 AM	CHARLES	I’m tryna grab the situation
10/12/2019 11:24:19 AM	CC-1	I got you

32. On October 20, 2019, CHARLES texts CC-1 “Nbs we out”, meaning no bullshit (“nbs”) we are leaving. CC-1 replies, “We can’t tho rn” “The boys”, meaning that they can’t leave right now (“rn”) because of the police (“the boys”). CHARLES acknowledges that (“yes”) and CC-1

tells CHARLES that he is in possession of two firearms (“We got 2 piles” “poles”) and that CHARLES should not come into the location where he is (“Don’t come in”).

Date / Time	Author	Content
10/20/2019 1:39:36 AM	CHARLES	Nbs we out
10/20/2019 1:39:43 AM	CC-1	We can't tho rn
10/20/2019 1:39:46 AM	CC-1	The boys
10/20/2019 1:39:48 AM	CHARLES	Yes
10/20/2019 1:39:52 AM	CC-1	We got 2 piles
10/20/2019 1:39:55 AM	CC-1	Poles
10/20/2019 1:48:32 AM	CC-1	Don't come in

C. Communications about CHARLES by Coconspirators

33. Additionally, investigators came identified a number of text message conversations where other coconspirators discuss CHARLES and his involvement in the drug and firearm conspiracy with CC-1. For example, investigators located one conversation where coconspirator, who I will refer to as CC-4⁴ asks CC-1 to buy “Phil’s pole” shortly after CHARLES was arrested on October 20, 2019.⁵ CC-1 replies that he “cAn’t do that” but can obtain one for CC-4. CC-4 replies that he has the money available (“The bread is here bro”) and needs one immediately (“need one ASAP”) because rival gangs are organizing to attack him (“niggas got bread on [CC-4’s] head”).

Date / Time	Author	Content
10/24/2019 5:24:30 PM	CC-4	Lemme buy Phil's pole off u
10/24/2019 5:26:20 PM	CC-1	What no
10/24/2019 5:26:29 PM	CC-1	I cAnt do that
10/24/2019 5:26:38 PM	CC-1	I can get you one tho
10/24/2019 5:27:22 PM	CC-4	The bread is here bro I need one ASAP dawgssss niggas got bread on [CC-4's] head 😞😞😞
10/24/2019 5:27:42 PM	CC-1	How much do you got for it
10/24/2019 5:38:52 PM	CC-4	Anything
10/24/2019 5:38:57 PM	CC-4	Any price bro
10/25/2019 11:59:26 AM	CC-4	??

⁴Of note, CC-4 was recently arrested and charged in connection with a drug trafficking conspiracy and a firearm was recovered during the execution of a search warrant at his residence.

⁵ From this, I believe that CHARLES’ firearm remained in the possession of CC-1 following CHARLES’ arrest, and that the firearm may have in fact been in the stash location in the vehicle at the time CHARLES was arrested.

CONCLUSION


34. Based the foregoing, there is probable cause to believe that CHARLES violated 21 U.S.C. §§ 841, 846, by conspiring to distribute and possess controlled substances with intent to distribute them. Further, there is probable cause that CHARLES violated 18 U.S.C. § 924(o), by conspiring to possess firearms in furtherance of, and use and carry firearms during and in relation to, a drug trafficking conspiracy.

Signed electronically and sworn to via telephone in accordance with Federal Rule of Criminal Procedure 4.1 on March 1, 2021.

/s Craig R. Harvey

Craig R. Harvey
Special Agent
Federal Bureau of Investigation

Electronically subscribed and telephonically sworn to before me this 1st day of March, 2021.



HON. DONALD L. CABELL
UNITED STATES MAGISTRATE JUDGE

